

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EVENT CAPTURING SYSTEMS, INC..)	
)	
Plaintiff/Counter-defendant,)	
)	
v.)	
)	
KOBAYASHI VENTURES, LLC)	
)	
Defendant/Counter-plaintiff.)	
)	

Civil Action. No. 1:08-cv-05706-NRB

PLAINTIFF’S REPLY TO DEFENDANT’S COUNTERCLAIMS

COMES NOW, Plaintiff Event Capturing Systems, Inc. (hereinafter “ECS”) and hereby submits the following Reply to the Counterclaims of Defendant Kobayashi Ventures, LLC (hereinafter “Kobayashi”).

ECS, responding specifically to each numbered paragraph of Kobayashi’s Counterclaims, responds as follows:

- 57. Admitted as to this being an action brought by Kobayashi Ventures for patent infringement, but denied as to the rest.
- 58. Denied.
- 59. Carotek admits that Carotek’s ECS business was sold for \$1 to ECS, that ECS is owned in part by James Addison Bell, that ECS uses the same shop as Carotek, and that ECS uses the same phone line as Carotek, but denies that the transfer was without documentation, that ECS was a newly formed entity, that ECS is located in

the same office as Carotek space, and that ECS services the same customers that Carotek served.

60. Denied.

61. Denied.

62. Denied.

63. Upon information and belief, admitted.

64. Admitted as to the first two sentences, but denied as to the allegation that ECS' systems incorporate and rely on Kobayashi's Patented Technology.

65. Admitted as to making the admission, but denied as to the remainder of paragraph 65, and denied to the extent that any inference of patent infringement exists or was intended.

66. Admitted.

67. Admitted.

68. Admitted.

69. Denied.

70. Denied.

71. Upon information and belief, admitted.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

76. Denied.

77. Denied.

78. Denied.

79. Denied.

KOBAYASHI VENTURES' FIRST COUNTERCLAIM

Patent Infringement

80. Plaintiff repeats and reincorporates by reference the responses set forth in response to paragraphs 57 through 79.

81. Denied.

82. Denied.

83. Denied.

KOBAYASHI VENTURES' SECOND COUNTERCLAIM

Patent Infringement (Inducement)

84. Plaintiff repeats and reincorporates by reference the responses set forth in response to paragraphs 57 through 83.

85. Denied.

86. Denied.

87. Denied.

The allegations in the Prayer for Relief are denied and Plaintiff asks that all relief sought by the Defendant in said Prayer for Relief be denied.

WHEREFORE, Plaintiff ECS prays:

- A. That this Court declare that Kobayashi recover nothing of its Counterclaim against ECS;
- B. That the Court deny any injunctive relief sought by Kobayashi;
- C. That Defendant, its agents, servants, employees, attorneys and all those in active concert or participation with it be enjoined from alleging that ECS is infringing any patent referenced in the Agreement;
- D. That this Court award Plaintiffs interest, costs, attorneys' fees, expenses and such further relief that this Court deems just and equitable; and
- E. That all issues so triable be tried by jury.

This the 25th day of September, 2008.

Respectfully submitted,

/s/ Raymond R. Castello

Raymond R. Castello (RC 2106)
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Event Capturing Systems, Inc.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PLAINTIFF'S REPLY TO DEFENDANT'S COUNTERCLAIMS** was served on the Defendant by sending copies by **E-Mail**:

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on September 25, 2008.

/s/ Miranda Perkins